

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, DECEMBER 18, 2008

2008 DEC 18 PM 4:35

APPLICATION OF

DSCI CORPORATION OF VIRGINIA, INC.

CASE NO. PUC-2008-00068

For a certificate of public convenience
and necessity to provide local exchange
telecommunications services

ORDER FOR NOTICE AND COMMENT

On November 24, 2008, DSCI Corporation of Virginia, Inc. ("DSCI" or "Applicant"), completed an application for a certificate of public convenience and necessity ("certificate") with the State Corporation Commission ("Commission") to provide local exchange telecommunications services throughout the Commonwealth of Virginia.¹

NOW UPON CONSIDERATION of the application, the Commission is of the opinion and finds that DSCI's application should be docketed; that the Applicant should give notice to the public of its application; that interested persons should have an opportunity to comment and request a hearing on DSCI's application; and that the Commission Staff should conduct an investigation into the reasonableness of the application and present its findings in a Staff Report.

Accordingly, IT IS ORDERED THAT:

- (1) This case is docketed and assigned Case No. PUC-2008-00068.

¹ DSCI filed its application for a certificate to provide local exchange telecommunications services on August 20, 2008. On August 27, 2008, Staff of the Commission filed a Memorandum of Incompleteness. DSCI filed Supplement to Application of DSCI Corporation of Virginia, Inc., on October 29, 2008. DSCI filed additional supplemental information on November 24, 2008. Staff filed a Memorandum of Completeness on December 3, 2008, stating that DSCI's application was complete as of November 24, 2008.

(2) On or before January 15, 2009, the Applicant shall complete publication of the following notice to be published on one (1) occasion as classified advertising in newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
DSCI CORPORATION OF VIRGINIA, INC., FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES THROUGHOUT THE
COMMONWEALTH OF VIRGINIA
CASE NO. PUC-2008-00068

On November 24, 2008, DSCI Corporation of Virginia, Inc. ("DSCI" or "Applicant"), filed an application with the State Corporation Commission ("Commission") for a certificate of public convenience and necessity ("certificate") to provide local exchange telecommunications services throughout the Commonwealth of Virginia.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia. Copies may also be downloaded from the Commission's website: <http://www.scc.virginia.gov/case>, or may be ordered from DSCI's counsel, Catherine M. Hannan, Esq., Helein & Marshlian, LLC, the *CommLaw* Group, 1483 Chain Bridge Road, Suite 301, McLean, Virginia 22101.

On or before February 5, 2009, any person desiring to comment on DSCI's application for a certificate to provide local exchange telecommunications services may do so by directing such comments in writing to the Clerk of the Commission at the address set forth below. Interested persons desiring to submit comments electronically may do so by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/case>. A hard copy of the comments, whether submitted in writing or electronically, shall be simultaneously served upon DSCI's counsel at the address set forth above.

Any person may request a hearing on DSCI's application by filing an original and fifteen (15) copies of its request for hearing on or before February 5, 2009, with the Clerk of the Commission

at the address set forth below. Requests for hearing must include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. Persons filing a request for hearing shall simultaneously serve a copy of their request upon DSCI's counsel at the address set forth above.

All written communications to the Commission concerning DSCI's application shall be directed to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and shall refer to Case No. PUC-2008-00068.

DSCI CORPORATION OF VIRGINIA, INC.

(3) On or before January 15, 2009, the Applicant shall provide a copy of the notice contained in Ordering Paragraph (2) to each local exchange telephone carrier certificated in Virginia by personal delivery or first-class mail, postage prepaid, to the customary place of business. A list of all current local exchange carriers in Virginia is attached to this Order as Appendix A.

(4) Any person desiring to comment on DSCI's application for a certificate to provide local exchange telecommunications services may do so by directing such comments in writing on or before February 5, 2009, to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Interested persons desiring to submit comments electronically may do so by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/case>. A hard copy of such comments, whether submitted in writing or electronically, shall be simultaneously served upon DSCI's counsel, Catherine M. Hannan, Esq., Helein & Marashlian, LLC, the *CommLaw* Group, 1483 Chain Bridge Road, Suite 301, McLean, Virginia 22101. Comments must refer to Case No. PUC-2008-00068.

(5) On or before February 5, 2009, any person wishing to request a hearing on DSCI's application for a certificate to provide local exchange telecommunications services shall file an original and fifteen (15) copies of its request for hearing in writing with the Clerk of the Commission at the address set forth above. Written requests for hearing shall refer to Case No. PUC-2008-00068 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. A copy shall also simultaneously be served on DSCI's counsel at the address set forth above.

(6) On or before February 5, 2009, the Applicant shall file with the Commission proof of notice and proof of service as ordered herein.

(7) The Commission Staff shall analyze the reasonableness of DSCI's application and present its findings in a Staff Report to be filed on or before February 19, 2009.

(8) On or before February 27, 2009, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any responses to the Staff Report or comments and requests for hearing filed with the Commission. A copy of the response shall be delivered by overnight delivery to Staff and any other persons who filed comments or requests for hearing.

(9) The Applicant shall respond to written interrogatories or data requests within seven (7) days after the receipt of the same. Persons who file requests for hearing shall provide to the Applicant, the Commission Staff, and any other persons who file requests for hearing any workpapers or documents used in preparation of their requests for hearing, promptly upon request. Except as so modified, discovery shall be in accordance with Part IV of the Commission's Rules of Practice and Procedure.

(10) The Applicant shall respond promptly to requests from interested persons for copies of the application and shall provide one copy free of charge. Copies are also available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, or may be downloaded from the Commission's website: <http://www.scc.virginia.gov/case>.

(11) In accordance with 20 VAC 5-417-20 G 1 b, the Applicant shall provide a performance or surety bond in the amount of \$50,000 in a form to be prescribed by the Commission Staff. This bond shall be provided to the Commission's Division of Economics and Finance within 30 days from the date of this Order.

(12) This matter is continued generally.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Catherine M. Hannan, Esq., Helein & Marshlian, LLC, the *CommLaw* Group, 1483 Chain Bridge Road, Suite 301, McLean, Virginia 22101; Sean Dandley, President and Chief Executive Officer, DSCI Corporation of Virginia, Inc., 275 Wyman Street, Suite 260, Waltham, Massachusetts 02451; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; and the Commission's Divisions of Communications, Public Service Taxation, and Economics and Finance.